

Application No. 10/510,410
Amendment Dated 8/20/2008
Reply to Office Action of 01/17/2008

REMARKS/ARGUMENTS

By this Amendment, claim 14 is canceled, and claim 1 is amended. Claims 1-3, and 5-10 are pending.

Citations to the Specification are directed to U.S. Patent Application Publication No. 2006/0041140.

Support for the amendments to the claims can be found throughout the Specification as filed, and specifically: support for the limitation in claim 1 wherein the solvent selected from the group consisting of alcohols, methanol, ethanol, acetonitrile, tetrahydrofuran, dimethylformamide, dimethylsulfoxide, dioxane, aromatic hydrocarbons, benzene, toluene, xylene, halogenated hydrocarbons, dichloromethane, chloroform, carbontetrachloride, ketones, acetone, methyl ethyl ketone, ethyl isobutyl ketone, ethers, tert-butyl methyl ether, carboxylates, ethyl acetate, and mixtures thereof, can be found in ¶[0033] and previously submitted claim 14, now canceled.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

In response to the Final Rejection of January 17, 2008, Applicant filed a Pre-Appeal Brief Conference Request and Notice of Appeal on July 10, 2008. On July 28, 2008, the Examiner phoned Applicant's attorney, and the Examiner indicated that the Conference had decided that the claims would be allowable if claim 1 were amended to recite the solvents from ¶[0033] of the Specification. Without acquiescing to the propriety of the Examiner's suggestion, and simply to expedite prosecution, Applicant has made the proposed amendment to claim 1 herein. Accordingly, reconsideration and withdrawal of the rejection of claims 1-2, 5-6, and 8-10 under

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35 USC 102(b) over US 4,357,337 (Dubroeucq) is respectfully requested. Reconsideration and withdrawal of the rejection of claims 1-3, 5-6, 8-10 under 35 USC 102(e) over US 6,649,765 (Vidyadhar) is respectfully requested. Reconsideration and withdrawal of the rejection of pending claims 1-3, 5-10 under 35 USC 103(a) over '765 Vidyadhar in view of '081 Iimura is respectfully requested. Reconsideration and withdrawal of the rejection of pending claims 1-3, 5-10 under 35 USC 103(a) over Dubroeucq et al. '337 or Vidyadhar et al. '765 in view of Iimura '081, is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application into condition for allowance (for reasons discussed herein), (b) does not raise any new issues requiring further search and/or consideration (because the Amendment is directed to subject matter previously considered during prosecution), (c) does not present any additional claims without canceling a corresponding number of finally rejected claims, and (d) places the application into better form for appeal, should an appeal be necessary. Applicants respectfully request entry of the Amendment.

* * *

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

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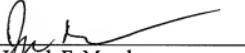
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

August 20, 2008

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

By 

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